

**USEPA Brownfield Assessment Grant  
Brownfield Opportunity Area Site Assessment Program  
City of Rochester, New York**

(US EPA Assistance ID No. BF-97249307)

**Final Performance Report**

**December 2012**

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## Purpose

The Brownfield Opportunity Area Site Assessment Program (BOA SAP) was established to provide site assessments for priority and targeted sites identified through the community-based BOA planning process. The City had previously applied for and been awarded BOA planning grants from the New York State Department of State and two BOA areas, 394 and 59 acres respectively, were identified in the City of Rochester. An additional BOA was being led by a Community Based Organization, Group 14621. Under the BOA SAP, the City hired consultants to complete phase I assessments in compliance with 70FR660070, sampling plans, environmental management plans, health and safety plans, phase II field investigations, and to develop remedial and reuse concept plans. Specific assessment activities were to be based on project needs and site conditions. These site investigations would help to fill crucial data gaps in the City's area-wide strategic brownfield planning efforts.

The grant also included funding for staff implementation and programmatic costs for site assessments within the Brownfield Opportunity Areas. In addition, funding was provided for brownfield educational materials and site specific outreach for residents, community groups, property owners, and businesses in the BOA's in order to

report back assessment findings to the community and help educate potential investors and developers to spur investment and job creation.

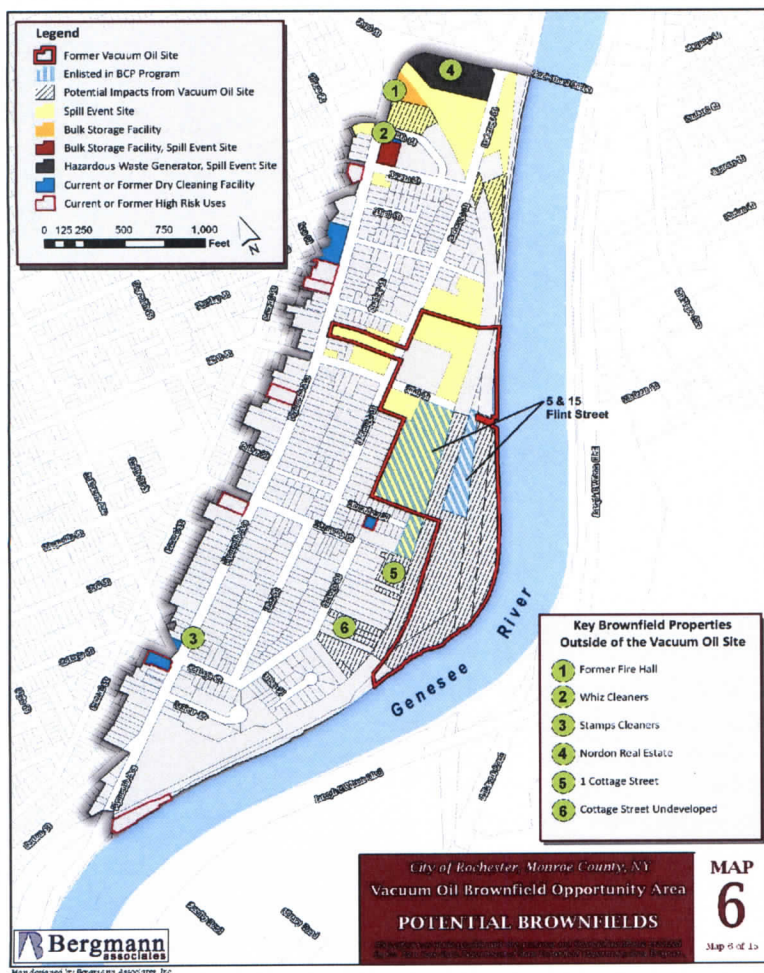
### Vacuum Oil Site

#### **Background:**

The Vacuum Oil South Genesee River Corridor BOA centered on a site historically operated as a refinery from approximately 1866 to 1930. Kerosene, naphtha, finished lubricants and containers for these products (e.g. wooden barrels, tin cans and drums) were stored and manufactured on site. Operations and facilities that formerly occupied the site include bulk storage tanks, former canal beds, rail yard, barrel manufacturing plant, numerous storage areas, and underground facilities that previously serviced site operations (e.g. utilities, sewers, and piping).

#### **BOA SAP Activities:**

LaBella Associates, through a BOA SAP proposal dated February 4, 2008, was hired to assist the City with the development of GIS layers and figures for the Vacuum Oil site to serve as a base for which to evaluate remedial alternatives and display project related information and mapping. The data layers included:



Areas of Interest  
1888 Pipeline  
Soil Gas Samples (2000)  
Monitoring Wells  
THP Concentration Contours

Subdivision Areas  
Existing Physical Features  
Surface Soil Samples (2000)  
Sludge Pits  
VOC Concentration Contours

Exxon Mobil and a Stantec Consulting Services conducted subsurface environmental investigations at the site in 2008, outside of the BOA SAP program, to observe soil and groundwater conditions. These investigations were conducted on approximately 27 acres of the Vacuum Oil Site and included properties owned by both the City (approximately 15 acres) and private individuals. The investigations identified the presence of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, and polychlorinated biphenyls (PCB) in both soil and groundwater.

During this time, Roux Associates, Inc., on behalf of ExxonMobil, investigated this site under a Stipulation Agreement with the NYSDEC dated February 5, 2008, and under the oversight of O'Brien & Gere, a BOA SAP consultant hired for third party observation services through a proposal dated July 2, 2008. The majority of operable unit one is owned by the City and the City is considering acquiring the remaining two key parcels in operable unit one. Therefore, we submitted the results of our oversight and investigations to the NYSDEC under this stipulation agreement in order to keep ExxonMobil honest, protect the City's interest, and assist the remedy selection process.

The levels and extent of contamination found qualified portions of the site for the NYSDEC BCP. A proposal dated 6/23/2011 was submitted by O'Brien & Gere and approved under the BOA SAP program to provide assistance to the City of Rochester with activities associated with the NYSDEC BCP for the City-owned parcels that comprise a portion of the former Vacuum Oil Site. This assistance included program management and coordination, meetings, review of the Draft RIWP (5 and 15 Flint Street), Phase I environmental site assessment and wetlands mapping research.

#### **Outcomes:**

The 5 & 15 Flint Street properties were previously part of the much larger Vacuum Oil Company oil refinery site. From approximately 1940 until 2007, the 15 Flint Street property was used for scrap metal salvage, automobile wrecking, and salvage activities. Previous investigations performed between 1989 and 2009 by NYSDEC and others demonstrated the presence of petroleum contamination in soil and groundwater. Other contaminants including PCBs and metals have also been identified at the site.

During the course of these investigations, the properties located at 5 and 15 Flint Street changed ownership. The new owner, One Flint Street, LLC (Developer), entered the two properties into the NYSDEC BCP program. A draft Remedial Investigation Work Plan (RIWP) was submitted by the Developer to the NYSDEC for public review and comment from June 6 – July 6, 2011.

The City has both entered into a tolling agreement and been in legal negotiations with ExxonMobil relating to environmental investigation of City-owned property. Both ExxonMobil and the Developer are members of the City's advisory committee for the Vacuum Oil BOA. The Developer has initiated a claim against ExxonMobil and other prior owners for environmental contamination on their property allegedly caused by ExxonMobil and the other prior owners. The lawsuits have resulted in additional claims and cross claims by the Developer, ExxonMobil and other previous owners of 5 and 15 Flint Streets. The City is not party to any of these lawsuits. The long term goal of the City is to have the Flint Street properties redeveloped consistent with the master planning currently underway with BOA process.

A draft BOA Nomination Phase Study was completed in September 2012 with funding provided by the New York State Department of State (NYSDOS). In addition, a \$1.45M application for project advancement, Step 3: Implementation Strategy, was submitted to the NYSDOS on September 27, 2012. The City of Rochester's intent is to complete an Implementation Strategy for an approximate 148-acre area characterized by 38 potential brownfield sites that are located along South Plymouth Avenue and within the former Vacuum Oil refinery site. The primary community revitalization objectives to be achieved by this project include: a) creation of market-based strategies to revitalize the former Vacuum Oil Works site and the residential areas within the PLEX neighborhood; b) undertake regulatory and design standards updates in support of community revitalization; c) create a waterfront master plan that reconnects the PLEX neighborhood with the Genesee River waterfront; d) the



identification and preliminary design of parks and open space improvements to support residential neighborhoods; e) environmental investigations to inform future remedial activities for strategic sites; and f) the preliminary design of critical vehicular and pedestrian infrastructure to aid future revitalization and investment. Anticipated community benefits resulting from this project include the alleviation of health and safety concerns, increased employment opportunities and housing diversity as a result of new investment, expanded access to parks, recreation and waterfront amenities for area residents, and an improved community identity and public image associated with the PLEX neighborhood.

## **24 Seneca Avenue Site**

### **Background:**

This site is located at 24 Seneca Avenue, is comprised of one parcel of land totaling approximately 2.8 acres and is part of the Group 14621 BOA. The site is currently occupied by one brick and masonry warehouse of approximately 60,000 sf. The site is zoned industrial/ manufacturing and has been used for various industrial and commercial uses since the mid 1920's. Sargent & Greenleaf, a lock manufacturer, occupied the site from 1920 to 1975. During that time, site activities included operation of a foundry, welding, metal machining and coating processes, heat treating, incineration, and storage of chlorinated solvents, heating oil and/ or petroleum. Currently, the Site is being utilized as a cold storage/ commercial surplus warehouse and commercial machine shop and is tax delinquent with a non-responsive owner.

As a result of past operations at the site, and reported chemical releases on the property, several areas of hazardous substance impacts to soil and groundwater exist. The primary contaminants of concern are 1,1,1-Trichloroethene and its break-down products (i.e. cis-1,2-Dichloroethene, trans-1,2-Dichloroethene, Vinyl Chloride, etc.). Previous investigations indicate contaminants span the property; however, delineation of the extent of contamination and impacts to adjacent properties has not been fully defined.

The initial boundary of the Group 14621 BOA was expanded to include the 24 Seneca Avenue site. The City of Rochester is a member of the 14621 BOA Steering Committee which is responsible for guiding the vision of the plan and its recommendations and will serve as the lead in plan development. Additionally, the Steering Committee is responsible for resolving comments stemming from review of project documents by the public.



**BOA SAP Activities:**

This site is currently enrolled in the NYSDEC Environmental Restoration Program (ERP). O'Brien & Gere Engineers previously completed a Remedial Investigation (RI) at the site under the EFP. However, due to the uncertainty of future available NYSDEC funding under the ERP program, O'Brien & Gere was retained under a BOA SAP Program proposal dated June 25, 2010 to continue the RI tasks at the site. Consultant tasks included preparation of Soil Vapor Intrusion results letters, preparation of a Soil Vapor Intrusion sampling report, and finalizing the Remedial Investigation report.

**Outcomes:**

On September 18, 2012, NYSDEC did approve an amendment to the existing State Assistance Contract for additional ERP funding to provide for supplemental Soil Vapor (SV) and Vapor Intrusion (VI) sampling. O'Brien & Gere Engineers will complete these additional services with the objective of addressing soil vapor intrusion concerns at the northeast and south/southeast of the site. The amended State Assistance Contract for this additional work expires December 31, 2013.

Group 14621 was awarded additional BOA planning grant Nomination Phase funding from NYSDOS.

**Summary of Assessment Activities**

The City, through a competitive RFP process, selected four consultants to assist with site investigation activities under this BOA Site Assessment Program: O'Brien & Gere Engineers, LaBella Associates, Stantec Consulting Services and Bergmann Associates.

The majority of the funding for this cooperative agreement, 92%, was used for site assessments and associated reporting at two Sites. Ten parcels within the Vacuum Oil Refinery Site were assessed totaling approximately 34 acres, all within the Vacuum Oil South River Corridor BOA. Six percent of the funds were used at the 24 Seneca Avenue Site within the 14621 BOA. This Site was added to the BOA study area and leveraged significant NYS and City funding for investigation. BOA area additional services were required to complete Remedial Investigation tasks originally initiated under the NYS Environmental Restoration Program. The remaining 2% of funding was used for staff implementation and programmatic costs.